IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WA.No. 2558 of 2007

AGAINST THE JUDGEMENT/ORDER IN OP.2432/1998 Dated 27/06/2007

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APPELLANT: PETITIONER IN O.P.

K.M.GEORGE, S/O. MATHAI, AGED 47 YEARS
RESIDING AT KAKKOOTTILE VEEDU
CHENKALA (VIA) KASARAGODU.

BY ADV. SRI.M.C.CHERIAN
SRI.M.A.THOMAS KUTTY
SMT.ASHA CHERIAN
SRI.E.D.GEORGE
SRI.P.M.SANEER

RESPONDENTS: RESPONDENTS IN O.P.

1. THE CHAIRMAN
RUBBER RESEARCH INSTITUTE OF INDIA
RUBBER BOARD, PUTHUPALLY, KOTTAYAM-9.

2. THE DIRECTOR
THE RUBBER RESEARCH INSTITUTE OF INDIA
RUBBER ROAD, KOTTAYAM-9

3. DEPUTY SECRETARY
THE RUBBER RESEARCH INSTITUTE OF INDIA
RUBBER BOARD,KOTTAYAM.

4. PRODUCTION COMMISSIONER
THE RUBBER BOARD,KOTTAYAM.

5. THE SUPERINTENDENT
THE CENTRAL EXPERIMENT STATION, CHETHAKKAL.

BY ADV. SRI.JOSEPH MARKOSE, STANDING COUNSEL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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W.A.No.2558 OF 2007

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Dated this the 6th day of November, 2007

JUDGMENT

Radhakrishnan, J

Writ petition was preferred by the appellants herein seeking a writ of certiorari to quash Ext.P9 and also to declare that the petitioner is entitled to get the post offered by the first respondent in Ext.P10 proceedings and wages payable to the said post reckoning the period from 28.6.90. Learned Single Judge dismissed the original petition refusing to exercise the writ jurisdiction in preference to an available remedy under the Industrial Disputes Act, 1947.

2. Petitioner was an employee of Rubber Board, Kottayam. The original petition was filed against his illegal termination from service as per Ext.P9 order. It was alleged that the order was passed, without conducting any enquiry. While the original petition was pending, the appellant was acquitted by the criminal court.

We are of the view that petitioner has an effective alternative remedy against Ext.P9 order. Hence, learned Judge rightly declared jurisdiction. This appeal lacks merit and is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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